



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

October 29, 2004

IA-04-023

Lawrence Diah
HOME ADDRESS DELETED
UNDER 10 CFR 3.790

SUBJECT: NRC OFFICE OF INVESTIGATION REPORT NO. 1-2003-046 and 1-2003-046S

Dear Mr. Diah:

This refers to the investigation conducted by the NRC Office of Investigations (OI), report number 1-2003-046 and 1-2003-046S, completed August 12, 2004. The investigation was initiated to determine: (1) whether you, on July 20, 2003, requested another technologist at the Washington Hospital Center to inject you with a diagnostic dosage of technetium-99m without the knowledge and approval of a physician/authorized user; and (2) whether you took this action deliberately knowing this action constituted a violation of License Condition 11 and 10 CFR 35.27.

OI concluded that on July 20, 2003, you did request that another technologist inject you with a diagnostic dosage of technetium-99m and that you did so deliberately knowing it was a violation of License Condition 11 and 10 CFR 35.27. As such, you caused Washington Hospital Center to violate NRC requirements. The basis for this finding is described in the enclosed letter to Washington Hospital Center and Factual Summary of OI Investigation Report. Your actions constituted an apparent violation of Title 10 of the Code of Federal Regulations (CFR) Part 30.10. 10 CFR 30.10(a) states, in part, that any licensee, or licensee employee, may not engage in deliberate misconduct that causes or would have caused, if not detected, a licensee to be in violation of any rule, regulation, or any term, condition, or limitation of any license issued by the Commission. This apparent violation is being considered for escalated enforcement in accordance with the enclosed "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG 1600. Before the NRC makes its enforcement decision, we are providing you with an opportunity to either (1) respond to the apparent violation addressed in this letter within 30 days of the date of this letter or (2) request a predecisional enforcement conference. Please contact Pamela Henderson at (610)337-6952, within 7 days of the date of this letter, to inform us as to which of the above two options you choose.

Certified Mail
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If you choose to respond in writing rather than attend a conference, your response should be clearly marked as a "Response to Apparent Violation Described in Individual Action # 04-023" and should include for the apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved.

If you fail to either request an enforcement conference within 7 days, or to provide a written response within 30 days, the NRC will proceed with its determination of an appropriate enforcement action.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm.html> (the Public Electronic Reading Room). However, the NRC will delay making available a copy of this letter until an enforcement decision has been made. At that time, in accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, with your home address removed will be made available to the Public, if enforcement action is taken. This letter will be maintained by the Office of Enforcement (OE) in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from our Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Sincerely,

/RA/

George Pangburn, Director
Division of Nuclear Materials Safety

Enclosures:

1. NRC letter to Washington Hospital Center with Synopsis of OI Investigation Report
2. NUREG-1600

L. Dioh

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